 <b>TRANSMITTAL FORM</b>	Attorney Docket No. <b>STL000040US1</b> <b>1716RCE</b>
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In re the application Confirmation No: **2095**

**Kevin D. BAIR**

Serial No: **09/733,429**

Group Art Unit: **2161**

Filed: **Dec 8, 2000**

Examiner: **Thai, Hanh B.**

For: **Method and System for Accessing Information On A Network**

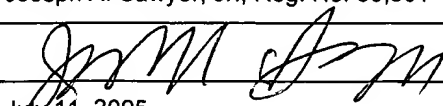
ENCLOSURES (check all that apply)					
<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input checked="" type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input type="checkbox"/>	Appeal Brief
<input type="checkbox"/>	Form 1449	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Status Letter
<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input type="checkbox"/>	Other Enclosure(s) (please identify below):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer		
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxx month(s), from to .			
<input type="checkbox"/>	Executed Declaration by Inventor(s)				

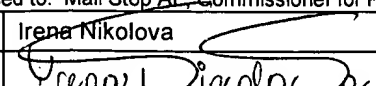
CLAIMS					
FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	42	45	0	\$ 50.00	\$ 0.00
Independent Claims	3	3	0	\$200.00	\$ 0.00
				Total Fees	\$ 0.00

METHOD OF PAYMENT	
<input type="checkbox"/>	Check no. _____ in the amount of \$ _____ is enclosed for payment of fees.
<input checked="" type="checkbox"/>	Charge \$ <u>500.00</u> to Deposit Account No. <u>09-0460</u> (IBM Corporation) for payment of the Notice of Appeal filing fee.
<input checked="" type="checkbox"/>	Charge any additional fees or credit any overpayment to Deposit Account No. <u>09-0460</u> (IBM Corporation)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Joseph A. Sawyer, Jr., Reg. No. 30,801
Signature	
Date	July 11, 2005

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Signature	



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPEAL NO:

In Re Application of:

Kevin D. BAIR

Serial No: 09/733,429

Filed: December 8, 2000

For: METHOD AND SYSTEM FOR ACCESSING INFORMATION ON A NETWORK

**APPELLANT'S BRIEF**

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CERTIFICATE OF MAIL

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Irena Nikolova

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Date: July 11, 2005

Kevin D. BAIR

Confirmation No. 2095

Serial No: 09/733,429

Group Art Unit: 2161

Filed: December 8, 2000

Examiner: Thai, Hanh B.

For: METHOD AND SYSTEM FOR ACCESSING INFORMATION  
ON A NETWORK

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P.O. Box 1450  
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**APPELLANT'S BRIEF ON APPEAL**

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. §1.192(c) as follows:

**I. REAL PARTY IN INTEREST**

Appellants respectfully submit that the above-captioned application is assigned, in its entirety to International Business Machines Corporation.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants state that, upon information and belief, they are not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Application Serial No. 09/733,429 (the instant application) as originally filed included claims 1-39. Claims 40-48 had been added. Claims 3, 16, 29, and 40-42 had been canceled. Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are pending. Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are on appeal and all applied prospective rejections concerning Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are being appealed herein.

### **IV. STATUS OF AMENDMENT**

All amendments made to the instant application have been entered.

### **V. SUMMARY OF THE INVENTION**

The present invention provides a method and system for accessing information on a network wherein the network comprises a first system and a second system. The method and system comprise allowing the first system to submit a query to the second system, processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query and utilizing the second system to return a result of the processed query to the first system.

### **VI. ISSUES**

The issue presented is:

(1) whether claims 1-2, 4-15, 17-28, 30-39, and 43-48 are unpatentable under 35 U.S.C. § 102(b).

## **VII. GROUPING OF CLAIMS**

Appellants hereby state that claims 1-2, 4-15, 17-28, 30-39, and 43-48 form one group.

## **VIII. ARGUMENTS**

### **A. Summary of the Applied Rejections**

The Final Office Action dated February 15, 2005 rejected claims 1-2, 4-15, 17-28, 30-39, and 43-48 under 35 U.S.C. 102(b) as being anticipated by Raz. In making the rejection, the Examiner stated:

**Claims 1, 2, 4-15, 17-28, 30-39, and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raz (U.S. Patent no. 6,292,827) of record.**

**Regarding claims 1, 14 and 27, Raz discloses a method at (Fig.1-Fig.3, Raz) for accessing information on a network (2, Fig.1), the method comprising the steps of:**

**a) allowing a first system (12, Fig.3) to submit a query to a second system (18, Fig3, Raz); please note that the client terminal and server are correspond to the first system and second system.**

**b) processing the query with the second system, wherein the second system utilizes only information in a storage area not residing on the second system to process the query (see Fig. 1-3 and col. 4, lines 34-40 and col. 5, lines 5-10, Fig.5B; col.5, line 40 to col.6, line 7 and col.11, lines 6-22, Raz). The information resides in the external system that will provide for the second system's query whenever needed; and**

**c) utilizing the second system to return a result of the processed query to the first system (Fig.1-Fig.3, corresponding text and summary of Raz). ...**

The Examiner stated the following in response to the previous arguments against these rejections:

**Applicant's arguments filed November 1, 2004 have been fully considered but they are not persuasive.**

**Applicant argues on pages 11-12 that "Raz teaches away from processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query." Examiner respectfully disagrees. Raz teaches in Fig.5B that the "client" system (12, Fig.5B), which corresponds to the first system, to submit a query to the**

**“server” system (18, Fig.5B), which corresponds to a second system, wherein the server utilizes the metadata in the separated “control and management” storage area (see Fig.5B and col.5, line 40 to col.6, line 7, Raz). These metadata files are compressed at the server then be transmitted to the client where the files are decompressed and resided at (col.11, lines 6-22). Therefore, Raz clearly teaches the claimed limitation “processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query”.**

The Examiner stated the following in the Advisory Action dated April 26, 2005:

**Applicant argues on pages 11-12 that “nowhere does Raz teach or suggest that the second system utilizes metadata that is only in a storage area not residing on the second system to process the query.” Examiner respectfully disagrees. Raz teaches in Fig.5B that the “client” system (12, Fig.5B), which corresponds to the first system, to submit a query to the “server” system (18, Fig.5B), which corresponds to a second system, wherein the server utilizes the metadata in the separated “control and management” system (23, Fig.5B). Therefore, Raz clearly teaches the metadata in the storage management system 23 not residing on the server. Thus, the teaching of Raz reads on the claimed feature of “second system utilizes metadata that is only in a storage area not residing on the second system to process the query.”**

Appellants respectfully request that the Board reverse the Examiner's final rejection of the pending Claims.

#### **B. The Cited Prior Art**

Raz describes a method for transferring data over a network. The method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers.

#### **C. Claims Are Not Unpatentable Under 35 U.S.C. § 102(b)**

The present invention provides a method and system for accessing information on a network wherein the network comprises a first system and a second system. The method and system comprise allowing the first system to submit a query to the second system, processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query and utilizing the second system to return a result of the processed query to the first system. Raz does not teach or suggest these features, as discussed below.

Raz does not teach or suggest “processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in amended independent claims 1, 14, and 27. The Examiner has referred to column 11, lines 6-22, of Raz as teaching the processing step as recited in the present invention. However, nowhere does Raz teach or suggest in this section that “the second system utilizes metadata that is **only in a storage area not residing on the second system** to process the query,” as recited in independent claims 1, 14, and 27. Column 11, lines 6-22, states:

In order to **move information and applets from server to client** in the most efficient manner, a real-time compression techniques is implemented Upon receiving a request, the server determines what type of network connection exists. A fast LAN connection may be sent full quality, uncompressed files including text, images, video, and Java Classes. For slower WAN connections, the **server will compress the files in real-time, which will then be transmitted over the net and decompressed at runtime by the client.** Each type of information item has a unique compression method, which is most suitable for the specific item. For example, JPEG compression is used for images, CAB or JAR compression is used for Java Classes. The JAR technology is also capable of compressing data information and graphics in addition to the Java classes. For images, compression ratios of 1:10 can be achieved using JPEG, although some information may be lost. (Emphasis added.)

This section *teaches away* from the processing step, as recited in independent claims 1, 14, and 27, because Raz specifically states that the information and applets are moved “from server to client” where “the server will compress files in real-time, which will then be transmitted over the net and decompressed at runtime by the client.”



The Examiner has also referred to Figures 1-3, column 4, lines 34-40, and column 5, lines 5-10, of Raz as teaching the processing step as recited in the present invention. However, these sections clearly also teach away from the processing step, where “the second system utilizes metadata that is **only in a storage area not residing on the second system** to process the query,” as recited in independent claims 1, 14, and 27.

Column 4, lines 34-40, of Raz states:

The network external system connection manager servers (10) shown connected to the network backbone (2) is the gateway to other content Provider external systems (11) shown connected to the network backbone (2). When an application requires information that is not on the network information database servers (8) but that information can be reached at some other content provider system, the network information database servers (8) establishes a connection via the external system connection manager servers (10) to the said content provider (11) to get the required information.

Column 5, lines 5-10, of Raz states:

External Devices (16) are connected to Java Applet (15) by Com Bridge (32). External Devices (16) are connected to Control and Management Agent (17) by SNMP (33). Visual Data Management (29) is connected to database (22) by Visual Data Insertion channel (31'). External Services (39) are connected to Services (20).

These sections merely lay out elements shown in Figures 1 and 3, and these sections do not mention that the server “utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in the present invention.

In contrast to the processing step as recited in the present invention, where the server “utilizes metadata that is only in a storage area not residing on the second system,” Raz explicitly teaches that control or application intelligence (i.e., metadata) is dynamically redistributed and **resides on the data servers**. Specifically, column 2, lines 11-20, of Raz states:

In general, in another aspect, the invention features a method for transferring data over a network. The method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and **dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers.** (Emphasis added.)

Column 3, lines 31-35, of Raz states:

The present invention relates generally to the field of information transfer. More particularly, the present invention relates to dynamic data transfer and management of information. Specifically, the present invention relates to a method of dynamic information transfer and management **allowing control or application intelligence and data content to be dynamically redistributed between data servers and client terminals** including publicly located client terminals. (Emphasis added.)

The Examiner has also referred to Figure 5B, column 5, line 40 to column 6, line 7, of Raz as teaching the processing step as recited in the present invention. However, these sections clearly teach away from the processing step as recited in independent claims 1, 14, and 27. Nowhere does Raz specifically teach or suggest in Figure 5B or in column 5, line 40, to column 6, line 7, that the server “utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in the present invention. As argued above, Raz clearly teaches that characteristic data is “dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers” (column 2, lines 11-20). In fact, column 5, line 40, to column, line 7, of Raz teaches a database model containing metadata, which represents the structure of the data and determines the laws of data (e.g., object types, property types, data types, link types, and languages), and this metadata clearly resides on the GS Oracle database and SQL database servers. (See Figures 8 and 9, and column 5, line 62, to column 6, line 7.)

A benefit of the present invention is that the second system does not have the burden of maintaining the metadata. Accordingly, the second system can behave strictly as a database processing engine (specification, page 5, lines 14-16) and therefore can process queries faster. Because the metadata is not maintained on the server but is instead maintained in the separate storage area of a separate system, a client will have faster access times and higher reliability than with conventional systems such as that of Raz (specification, page 7, lines 19-20). Furthermore, if the separate storage area is located on a client system, users of the client system can have

control over their data and can enhance their capabilities without interference from other users (specification, page 7, line 19, to page 8, line 10). Accordingly, because Raz teaches that the metadata is dynamically distributed between the servers, Raz does not provide the benefits of faster query processing, faster access times, higher reliability, and increased user control as recited in the present invention.

Therefore, Raz does not teach or suggest the present invention as recited in independent claims 1, 14, and 27. Accordingly, claims 1, 14, and 27 are allowable over Raz.

Dependent claims 2, 4-13, 15, 17-26, 28, 30-39, and 43-48 depend from claims 1, 14 and 27, respectively. Accordingly, the above-articulated arguments related to claims 1, 14 and 27 apply with equal force to claims 2, 4-13, 15, 17-26, 28, 30-39, and 43-48, which are thus allowable over the cited reference for at least the same reasons as claims 1, 14 and 27.

In view of the foregoing, Applicant respectfully submits that the recited invention is not taught, shown, or suggested by the cited art.

Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. 102(b) and respectfully requests that the Board reverse the final rejection of Claims.

#### **E. Summary of Arguments**

For all the foregoing reasons, it is respectfully submitted that Claims 1-2, 4-15, 17-28, 30-39, and 43-48 (all the Claims presently in the application) are patentable for defining subject matter, which would not have been unpatentable under 35 U.S.C. § 102(b) at the time the subject matter was invented. Thus, Appellants respectfully request that the Board reverse the rejection of all the appealed Claims and find each of these Claims allowable.

**Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellants' "APPENDIX" section is**

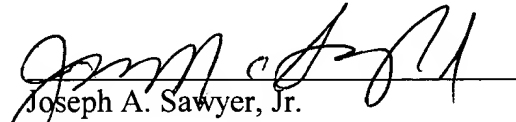
**contained on separate sheets following the signatory portion of this Appeal Brief.**

This Brief is being submitted in triplicate, and authorization for payment of the required Brief fee is contained in the cover letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No.

Respectfully submitted,

SAWYER LAW GROUP LLP

July 11, 2005  
Date

  
\_\_\_\_\_  
Joseph A. Sawyer, Jr.  
Attorney for Applicant(s)  
Reg. No. 30,801  
(650) 493-4540

## IX. APPENDIX

1. (Previously amended) A method for accessing information on a network, the method comprising the steps of:
  - a) allowing a first system to submit a query to a second system;
  - b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and
  - c) utilizing the second system to return a result of the processed query to the first system.
2. (Original) The method of claim 1 wherein the first system comprises a client machine and the second system comprises a server machine.
3. (Canceled)
4. (Previously amended) The method of claim 1 wherein the metadata comprises information about objects.
5. (Original) The method of claim 4 wherein the objects comprise tables, triggers and indexes.
6. (Original) The method of claim 5 wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

7. (Original) The method of claim 5 wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.

8. (Original) The method of claim 6 wherein the server machine implements a second protocol to process the query.

9. (Original) The method of claim 8 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

10. (Original) The method of claim 9 wherein the network comprises the Internet.

11. (Original) The method of claim 7 wherein the server machine implements a second protocol to process the query.

12. (Original) The method of claim 11 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

13. (Original) The method of claim 12 wherein the network comprises the Internet.

14. (Previously amended) A network database management system for accessing information on a network, the system comprising:

means for allowing a first system to submit a query to a second system;

means for processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and

means for utilizing the second system to return a result of the processed query to the first system.

15. (Original) The system of claim 14 wherein the first system comprises a client machine and the second system comprises a server machine.

16. (Canceled)

17. (Previously amended) The system of claim 14 wherein the metadata comprises information about objects.

18. (Original) The system of claim 17 wherein the objects comprise tables, triggers and indexes.

19. (Original) The system of claim 18 wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

20. (Original) The system of claim 18 wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.



21. (Original) The system of claim 19 wherein the server machine implements a second protocol to process the query.

22. (Original) The system of claim 21 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

23. (Original) The system of claim 22 wherein the network comprises the Internet.

24. (Original) The system of claim 20 wherein the server machine implements a second protocol to process the query.

25. (Original) The system of claim 24 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

26. (Original) The system of claim 25 wherein the network comprises the Internet.

27. (Previously amended) A computer readable medium containing program instructions for accessing information on a network, the program instructions comprising the steps of:

- a) allowing a first system to submit a query to a second system;
- b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and

c) utilizing the second system to return a result of the processed query to the first system.

28. (Original) The computer readable medium of claim 27 wherein the first system comprises a client machine and the second system comprises a server machine.

29. (Canceled)

30. (Previously amended) The computer readable medium of claim 27 wherein the metadata comprises information about objects.

31. (Original) The computer readable medium of claim 30 wherein the objects comprise tables, triggers and indexes.

32. (Original) The computer readable medium of claim 31 wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

33. (Original) The computer readable medium of claim 31 wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.

34. (Original) The computer readable medium of claim 32 wherein the server machine implements a second protocol to process the query.

35. (Original) The computer readable medium of claim 34 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

36. (Original) The computer readable medium of claim 35 wherein the network comprises the Internet.

37. (Original) The computer readable medium of claim 33 wherein the server machine implements a second protocol to process the query.

38. (Original) The computer readable medium of claim 37 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

39. (Original) The computer readable medium of claim 38 wherein the network comprises the Internet.

40-42. (Canceled)

43. (Previously added) The method of claim 1 wherein the storage area resides on a third system.

44. (Previously added) The method of claim 1 wherein the storage area resides on the first system.

45. (Previously added) The method of claim 14 wherein the storage area resides on a third system.

46. (Previously added) The method of claim 14 wherein the storage area resides on the first system.

47. (Previously added) The method of claim 27 wherein the storage area resides on a third system.

48. (Previously added) The method of claim 27 wherein the storage area resides on the first system.